

ISSUES

There are 10 key issues that stakeholders identified as significant barriers to supporting a MeHg TMDL. As part of the assessment process, CCP found that that stakeholders and Board staff are closer to agreement on than they believe on several issues. The following presents some of these topics.

Stakeholders	RWQCB
1. Issue – Adaptability of TMDL Implementation	
<ul style="list-style-type: none"> Seek flexibility in implementation of TMDL Concerned that not enough is known to create regulations that will lock stakeholders into costly actions that may prove to be less than beneficial in the long-term. 	<ul style="list-style-type: none"> The TMDL is written similar to LA Trash TMDL – includes an adaptive management plan that incorporates findings from source characterization studies, BMP pilot projects, and other data sources into an Implementation Plan that will be finalized sometime in the future, A flexible, adaptive approach is advocated by the Board
2. Issue – Load Allocations	
<ul style="list-style-type: none"> Load allocations and waste load allocations should be assigned to all dischargers – not just point source dischargers. Waste load allocations should be equitably assigned to point source dischargers. Ag and Wetlands managers should not be treated like a point source discharger 	<ul style="list-style-type: none"> The TMDL is intended to assign equitable load limits for point source discharges and supports the creation of coalitions (or similar entities) to monitor and address other discharges from ag and wetlands, etc. Staff recognizes the abundance of very small independent dischargers that should be treated commensurately. Staff also support broad understanding that many small sources add up to largely total contribution of MeHg
3. Issue – Wetlands Management and Creation	
<ul style="list-style-type: none"> Wetland creation and management is a critical component of CALFED goals and current water deliver deliberations. It can not and should not be impeded 	<ul style="list-style-type: none"> The Board supports the continued creation of wetlands for a variety of ecological and policy reasons. The proposed study period is intended to improve such efforts, not impede them.
4. Issue – Habitat Regulation	
<ul style="list-style-type: none"> Stakeholders do not want to be stuck with a certified wetland or related habitat that is in the future deemed to be producing MeHg, leaving a landowner no option but to either violate section 303, or 404 of the Clean Water Act 	<ul style="list-style-type: none"> The Board wants to work cooperatively with stakeholders and create more flexible methods to establish and test habitat types while not being forced to maintain habitat in perpetuity.

5. Issue – MeHg Versus Total Hg	
<ul style="list-style-type: none"> Some stakeholders question the legitimacy of the MeHg focus. 	<ul style="list-style-type: none"> Staff understand stakeholder frustration and believe it is not an either/or situation. There is a need to reduce mercury coming from the watershed and the Regional Water Board has to address actions that enhance MeHg production because MeHg is what affects both human health and wildlife.
6. Issue – Addressing and Funding Legacy Conditions	
<ul style="list-style-type: none"> Stakeholders want an equitable investment by State and Federal governments that befitted from a largely unregulated mining industry. 	<ul style="list-style-type: none"> Staff supports assigning in-stream load allocations to the State as a general entity and as a means to spark policy level discussions about how the legacy deposition will be addressed. Similarly for atmospheric deposition too.
7. Issue – Develop an Equitable Study Program	
<ul style="list-style-type: none"> Stakeholders want a coordinated, flexible, logical, timely study program. Some stakeholders want immediate and near-term pilot projects to improve conditions and study the outcomes. 	<ul style="list-style-type: none"> The Water Board wants a coordinated, flexible, logical, timely study program. Board staff also wants to establish an independent science review / peer group to assist the stakeholder studies and to ensure that no studies are unduly influenced by the Board or other stakeholders.
8. Issue – Program Overlap	
<ul style="list-style-type: none"> Stakeholders want to avoid duplicative requirements from overlapping Water Board programs (ex. MeHg TMDL and Irrigated Lands Program.) 	<ul style="list-style-type: none"> Staff fully support an integrated approach to merge these programs, leverage existing monitoring dates and protocols, and increase cost efficiency.
9. Interim Regulations	
<ul style="list-style-type: none"> Many Stakeholders are concerned that necessary capital expenditures in the near term may result in infrastructure that, while meeting today's regulations, may violate the final TMDL (ex. detention basins in new developments) 	<ul style="list-style-type: none"> Staff understands stakeholder frustration and recognizes the need for capital improvements. When the TMDL is finalized, staff believes that modifying operations by incorporating BMPs may allow a project operate within the TMDL.
10. Issue – Offset Program	
<ul style="list-style-type: none"> Some POTWs are prepared to investigate offset methods to address load allocations. 	<ul style="list-style-type: none"> Staff are not opposed to an offset program as long as it is equitable and makes substantive improvements to the load conditions.